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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,772	04/14/2004	Martinus Hendrikus Antonius Leenders	081468-0308799	4673
909	7590	11/03/2005		
PILLSBURY WINTHROP SHAW PITTMAN, LLP P.O. BOX 10500 MCLEAN, VA 22102			EXAMINER KIM, PETER B	
			ART UNIT 2851	PAPER NUMBER

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/823,772

Applicant(s)

LEENDERS ET AL.

Examiner

Peter B. Kim

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>42004, 82005</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Objections

Claim 11 is objected to because of the following informalities: Claim 11 is indicated as dependent on claim 12; however, it seems to be a typographical error, and claim 11 should be dependent on claim 10. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 8-12, and 19-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Oshida et al. (Oshida) (JP 2002-33274).

Oshida discloses a device manufacturing method, a method for projection a beam and a lithographic apparatus comprising an illumination system, a support (3) to support a patterning device (2), a substrate table (6), a projection system (4), at least one sensor (abstract) to measure a spatial orientation of the projection device and a processing unit (abstract, Fig. 1) comprising a microprocessor and a memory device and a positioning device configured to adjust the position of at least one of the first object and the second object based on the measured spatial orientation of the at least one projection device (abstract). Oshida also discloses second sensor to determine a position of at least one of the first and second object (abstract, Fig. 1).

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Claims 1, 8-12, and 19-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Saiki et al. (Saiki) (6,744,511).

Saiki discloses a device manufacturing method, a method for projection a beam and a lithographic apparatus comprising an illumination system (201), a support (203) to support a patterning device (202), a substrate table (206), a projection system (204), at least one sensor (215) to measure a spatial orientation of the projection device and a processing unit (col. 13, lines 29-60) comprising I/O device, a microprocessor and a memory device and a positioning device configured to adjust the position of at least one of the first object and the second object based on the measured spatial orientation of the at least one projection device (col. 13, line 29 – col. 14, line 67). Saiki also discloses second sensor to determine a position of at least one of the first and second object (216).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-7, and 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oshida et al. (Oshida) in view of Nishi (2002/0151728).

Oshida discloses the claimed invention as discussed above; however, Oshida does not disclose adjusting orientation of the projection device. Nishi discloses projection device comprising at least one mirror and one lens (Fig. 2) and a second positioning device to adjust

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spatial orientation of the at least one projection device (para 0113-0117). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the second positioning device and a projection device comprising at least one mirror and one lens to the invention of Oshida in order to stabilized optical characteristics of the system as taught by Nishi in the abstract.

Claims 2-7, and 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saiki et al. (Saiki) in view of Nishi (2002/0151728).

Saiki discloses the claimed invention as discussed above; however, Saiki does not disclose adjusting orientation of the projection device. Nishi discloses projection device comprising at least one mirror and one lens (Fig. 2) and a second positioning device to adjust spatial orientation of the at least one projection device (para 0113-0117). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the second positioning device and a projection device comprising at least one mirror and one lens to the invention of Saiki in order to stabilized optical characteristics of the system as taught by Nishi in the abstract.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter B. Kim whose telephone number is (571) 272-2120. The examiner can normally be reached on 8:00 AM - 5:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Peter B. Kim
Primary Examiner
Art Unit 2851

October 30, 2005